



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Steve Tate, Mayor	Steve Tate, Chair
Marilyn Librers, Mayor Pro Tempore	Marilyn Librers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

WEDNESDAY, MAY 5, 2010

AGENDA

SPECIAL CITY COUNCIL MEETING

6:45 P.M.

A Special Meeting of the City Council is Called at 6:45 P.M. for the Purpose of Conducting Parks & Recreation Commission Interviews.

Steve Tate, Mayor

CALL TO ORDER

(Mayor Tate)

ROLL CALL ATTENDANCE

(Deputy City Clerk McVay)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk McVay)

City Council Action

INTERVIEWS:

ITEMS 1

	Time Estimate		Page
1.	30 Minutes	<u>Interview Candidates to Fill Vacancies on the Parks & Recreation Commission</u> 1-4 <u>Recommended Action(s):</u> 1. <u>Discuss</u> characteristics/traits of candidates seeking to serve on the Parks & Recreation Commission; and 2. <u>Conduct</u> candidate interviews; and 3. <u>Discuss</u> candidate qualifications; and 4. <u>Appoint</u> candidates to fill the vacancies; or 5. <u>Return</u> with recommendations at a future meeting.	

JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council and Redevelopment Agency Board.

CALL TO ORDER (Mayor/Chair Tate)

ROLL CALL ATTENDANCE (Deputy City Clerk McVay)

DECLARATION OF POSTING OF AGENDA **Per Government Code 54954.2** (Deputy City Clerk McVay)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS

Proclaim May 2010 as Foster Care Month
Elaine Miles

Proclaim May 2010 as Older American's Month
Susan Fent, Senior Programs and Services Director

Proclaim May 15, 2010 as Peace Officers' Memorial Day and
May 9 - 15, 2010 as Police Officers' Week
Bruce Cumming, Chief of Police

Proclaim May 16-22, 2010 as National Public Works Week
Mori Struve, Deputy Public Works Director

PRESENTATIONS

Earth Day Poster Contest Winners
Environmental Programs Administrator Eulo

CITY COUNCIL REPORTS

Mayor Tate

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

Members of the public are entitled to address the City Council and Redevelopment Agency Board concerning any item within the Morgan Hill City Council/Agency's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council/Agency Board is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 2-7

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

2. Accept Main Avenue Wells Electrical Panel Modifications Project5-10

Recommended Action(s):

1. **Accept** as complete the Main Avenue Wells Electrical Panel Modifications project in the final amount of \$98,000; and
2. **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder's Office.

3. **Acceptance of the Morgan Hill Community and Cultural Center Exterior Door Replacement Project** 11-14
Recommended Action(s): **Accept** as complete the Morgan Hill Community and Cultural Center Exterior Door Replacement Project in the final amount of \$58,875.00 and **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder's Office.

4. **Countywide Household Hazardous Waste Collection Program Agreement for FY 2010/2011** 15-38
Recommended Action(s): **Authorize** the City Manager to execute the Agreement with the County subject to the inclusion of funding in the adopted FY10/11 City Budget.

5. **Countywide AB 939 Implementation Fee Agreement for FY 2010/2011** 39-54
Recommended Action(s): **Authorize** the City Manager to execute the Agreement with the County.

6. **Application to the Department of Housing and Community Development for Building Equity and Growth in Neighborhoods (BEGIN) Madrone Plaza Housing Project** 55-58
Recommended Action(s)
 1. **Adopt** a Resolution, which authorizes the City Manager to submit a streamlined application and grant documents to the California Department of Housing and Community Development (HCD) for the BEGIN Down Payment Assistance Program for Madrone Plaza in the amount of \$3,730,400.
 2. If awarded, authorize the City Manager to do everything necessary and appropriate to execute the documents necessary or required by HCD for participation in the BEGIN program.

7. **Legislative Advocacy for Llagas Flood Protection Project** 59-68
Recommended Action(s): **Authorize** the City Manager to execute an agreement with CJ Strategies for Llagas Creek Legislative Advocacy Services.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 8-10

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

8. **Approve the Joint Regular City Council and Redevelopment Agency Meeting Minutes for April 21, 2010** 69-82

9. **Acceptance of 2009-10 Pavement Resurfacing** 83-90
Recommended Action(s):
 1. **Accept** as complete the 2009-10 Pavement Resurfacing Project in the final amount of \$414,851; and
 2. **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder's Office.

10. **Award of Contract for the Skateboard Park Misc Improvements Project**91-96
Recommended Action(s):
1. **Award** contract to Golden State General Engineering in the amount of \$66,299.
2. **Approve** transfer of \$40,000 from the Outdoor Sports Complex Project (#115A02) to this project.

City Council Action

PUBLIC HEARINGS:

ITEMS 11-13

	Time Estimate		Page
11.	10 Minutes	<u>Zoning Amendment, ZAA-09-01: McLaughlin-Malech</u> <u>Recommended Action(s)</u> 1. Open/close public hearing. 2. <u>Waive</u> the first and second reading of Zoning Amendment Ordinance. 3. <u>Introduce</u> the Zoning Amendment Ordinance.	97-110
12.	20 Minutes	<u>Zoning Amendment/Development Agreement, ZA-09-07/DA-09-03: Murphy-Pancal/Patel</u> <u>Recommended Action(s)</u> 1. Open/close public hearing. 2. <u>Adopt</u> Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP). 3. <u>Waive</u> the first and second reading of Zoning Amendment Ordinance. 4. <u>Introduce</u> the Zoning Amendment Ordinance. 5. <u>Waive</u> the first and second reading of Development Agreement Ordinance. 6. <u>Introduce</u> Development Agreement Ordinance.	111-158
13.	5 Minutes	<u>TEFRA Hearing – The Crossings at Morgan Hill</u> <u>Recommended Action(s)</u> 1. Open/close public hearing. 2. <u>Approve</u> a Resolution for the issuance of bonds by the California Statewide Communities Development Authority for the Crossings at Morgan Hill, a 24-unit multifamily rental project located at 170 Wright Avenue, Morgan Hill	159-164

City Council Action

OTHER BUSINESS:

ITEMS 14

	Time Estimate		Page
14.	5 Minutes	<u>Annual Report and Public Meeting on Stormwater Activities</u> <u>Recommended Action(s): Receive</u> public comment and accept report.	165-178

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION:

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR:

Authority:	Pursuant to Government Code Section 54957.6
City Negotiators:	City Manager, City Attorney, Assistant to the City Manager
Employee Organization:	Morgan Hill Police Officers Association
	Employees Covered under Management Resolution No. 6304
	AFSCME Local 101
	Morgan Hill Community Service Officers Association

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council and Redevelopment Agency Board less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly-address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council and Redevelopment Agency Board on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers, and deliver it to the Council Services Records Coordinator prior to discussion of the item. In accordance with Government Code 54953.3, it is not required to complete a speaker card in order to speak to the Council/Agency. When your name is called, proceed to the podium and clearly state your name and comment on the agenda item. If you wish to address the City Council on any other item of interest to the public, follow the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Council Services Records Coordinator, who will distribute correspondence to the City Council/Redevelopment Agency.

Persons interested in proposing an item for the City Council/Redevelopment Agency agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council or Agency Board meeting. Should your comments require Council/Agency action, your request may be placed on the next appropriate agenda. Council/Agency discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council/Agency, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's department at (408) 779-7259, (408) 779-3117 (fax) or by email tina.mcvay@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408) 779-7259, (408) 779-3117 (fax) or by email tina.mcvay@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.